

1 Morton & Craig LLC
William E. Craig, Esq.
2 110 Marter Ave. Suite 301
Moorestown, NJ 08057
3 Telephone: (609) 866-0100
Attorney for Creditor, Wells Fargo Bank, N.A. _____
4

5 UNITED STATES BANKRUPTCY COURT
6 DISTRICT OF NEW JERSEY

7 In re:)
8 VERONICA KNEPP) Bankr. Case No. 11-02269
9 **Debtor**) CHAPTER 7
10 _____) **Adversary No. 18-01389 (VFP)**
11 VERONICA KNEPP)
12 **Plaintiff**)
13 v.)
14 WELLS FARGO BANK, N.A.) **ANSWER**
15 **Defendant**)
16 _____)

17
18 **ANSWER OF WELLS FARGO BANK, N.A. TO ADVERSARY PROCEEDING**
19 **COMPLAINT SEEKING DECLARATORY JUDGMENT AND DETERMINATION OF**
DISCHARGEABILITY OF DEBT AND OTHER RELIEF

20 Defendant Wells Fargo Bank, N.A. (“Wells Fargo”) by and through its undersigned
21 counsel, hereby answers the Complaint filed by Veronica Knepp (“Plaintiff”) in the above-
22 entitled adversary proceeding, stating as follows. Except as expressly admitted, qualified or
23 explained herein, the Wells Fargo Defendant denies each and every allegation of the Complaint.
24
25

PARTIES

1
2 1. Defendant Wells Fargo is without sufficient information to admit or deny the
3 allegations contained in paragraph two (2) of the Complaint and leaves Plaintiff to her proof. To
4 the extent a response is required, Defendant Wells Fargo denies the allegations.

5 2. Defendant Wells Fargo is without sufficient information to admit or deny the
6 allegations contained in paragraph two (2) of the Complaint and leaves Plaintiff to her proof. To
7 the extent a response is required, Defendant Wells Fargo denies the allegations.

8
9 **JURISDICTION AND VENUE**

10 3. Admitted to the extent that the Plaintiff filed a bankruptcy case under the case
11 number listed in the corresponding paragraph.

12 4. The allegations contained in paragraph four (4) of the Complaint are legal
13 conclusions to which no response is necessary. To the extent a response is required, Wells Fargo
14 denies the allegations.

15 5. The allegations contained in paragraph five (5) of the Complaint are legal
16 conclusions to which no response is necessary. To the extent a response is required, Wells Fargo
17 denies the allegations.

18 6. The allegations contained in paragraph six (6) of the Complaint are legal
19 conclusions to which no response is necessary. To the extent a response is required, Wells Fargo
20 denies the allegations.

21 **STATEMENT OF FACTS**

22 7. The allegations contained in paragraph seven (7) of the Complaint are legal
23 conclusions to which no response is necessary. To the extent a response is required, Wells Fargo
24 denies the allegations.

25

1 8. Defendant Wells Fargo is without sufficient information to admit or deny the
2 allegations contained in paragraph eight (8) of the Complaint and leaves Plaintiff to her proof.
3 To the extent a response is required, Defendant Wells Fargo denies the allegations.

4 9. Defendant Wells Fargo is without sufficient information to admit or deny the
5 allegations contained in paragraph nine (9) of the Complaint and leaves Plaintiff to her proof. To
6 the extent a response is required, Defendant Wells Fargo denies the allegations.

7 10. Defendant Wells Fargo is without sufficient information to admit or deny the
8 allegations contained in paragraph ten (10) of the Complaint and leaves Plaintiff to her proof. To
9 the extent a response is required, Defendant Wells Fargo denies the allegations.

10 11. The allegations contained in paragraph eleven (11) of the Complaint are legal
11 conclusions to which no response is necessary. To the extent a response is required, Wells Fargo
12 denies the allegations.

13 12. The allegations contained in paragraph twelve (12) of the Complaint are legal
14 conclusions to which no response is necessary. To the extent a response is required, Wells Fargo
15 denies the allegations.

16 13. The allegations contained in paragraph thirteen (13) of the Complaint are legal
17 conclusions to which no response is necessary. To the extent a response is required, Wells Fargo
18 denies the allegations.

19 14. Defendant Wells Fargo is without sufficient information to admit or deny the
20 allegations contained in paragraph fourteen (14) of the Complaint and leaves Plaintiff to her
21 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

22 15. Defendant Wells Fargo is without sufficient information to admit or deny the
23 allegations contained in paragraph fifteen (15) of the Complaint and leaves Plaintiff to her proof.
24 To the extent a response is required, Defendant Wells Fargo denies the allegations.
25

1 16. Defendant Wells Fargo is without sufficient information to admit or deny the
2 allegations contained in paragraph sixteen (16) of the Complaint and leaves Plaintiff to her proof.
3 To the extent a response is required, Defendant Wells Fargo denies the allegations.

4 17. Defendant Wells Fargo is without sufficient information to admit or deny the
5 allegations contained in paragraph seventeen (17) of the Complaint and leaves Plaintiff to her
6 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

7 18. Defendant Wells Fargo is without sufficient information to admit or deny the
8 allegations contained in paragraph eighteen (18) of the Complaint and leaves Plaintiff to her
9 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

10 19. Defendant Wells Fargo is without sufficient information to admit or deny the
11 allegations contained in paragraph nineteen (19) of the Complaint and leaves Plaintiff to her
12 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

13 20. Defendant Wells Fargo is without sufficient information to admit or deny the
14 allegations contained in paragraph twenty (20) of the Complaint and leaves Plaintiff to her proof.
15 To the extent a response is required, Defendant Wells Fargo denies the allegations.

16 21. Defendant Wells Fargo is without sufficient information to admit or deny the
17 allegations contained in paragraph twenty-one (21) of the Complaint and leaves Plaintiff to her
18 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

19 22. Defendant Wells Fargo is without sufficient information to admit or deny the
20 allegations contained in paragraph twenty-two (22) of the Complaint and leaves Plaintiff to her
21 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

22 23. Defendant Wells Fargo is without sufficient information to admit or deny the
23 allegations contained in paragraph twenty-three (23) of the Complaint and leaves Plaintiff to her
24 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.
25

1 24. Defendant Wells Fargo is without sufficient information to admit or deny the
2 allegations contained in paragraph twenty-four (24) of the Complaint and leaves Plaintiff to her
3 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

4 25. Defendant Wells Fargo is without sufficient information to admit or deny the
5 allegations contained in paragraph twenty-five (25) of the Complaint and leaves Plaintiff to her
6 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

7 26. Defendant Wells Fargo is without sufficient information to admit or deny the
8 allegations contained in paragraph twenty-six (26) of the Complaint and leaves Plaintiff to her
9 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

10 27. Defendant Wells Fargo is without sufficient information to admit or deny the
11 allegations contained in paragraph twenty-seven (27) of the Complaint and leaves Plaintiff to her
12 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

13 28. Defendant Wells Fargo is without sufficient information to admit or deny the
14 allegations contained in paragraph twenty-eight (28) of the Complaint and leaves Plaintiff to her
15 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

16 29. Defendant Wells Fargo is without sufficient information to admit or deny the
17 allegations contained in paragraph twenty-nine (29) of the Complaint and leaves Plaintiff to her
18 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

19 30. Defendant Wells Fargo is without sufficient information to admit or deny the
20 allegations contained in paragraph thirty (30) of the Complaint and leaves Plaintiff to her proof.
21 To the extent a response is required, Defendant Wells Fargo denies the allegations.

22 31. Defendant Wells Fargo is without sufficient information to admit or deny the
23 allegations contained in paragraph thirty-one (31) of the Complaint and leaves Plaintiff to her
24 proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.
25

32. Defendant Wells Fargo is without sufficient information to admit or deny the allegations contained in paragraph thirty-two (32) of the Complaint and leaves Plaintiff to her proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

CLAIMS FOR RELIEF

33. Answering Defendant incorporates herein its responses to paragraphs 1-32, inclusive, as if fully set forth herein at length.

34. The allegations contained in paragraph thirty-four (34) of the Complaint are legal conclusions to which no response is necessary. To the extent a response is required, Wells Fargo denies the allegations.

35. Answering Defendant incorporates herein its responses to paragraphs 1-34, inclusive, as if fully set forth herein at length.

36. The allegations contained in paragraph thirty-six (36) of the Complaint are legal conclusions to which no response is necessary. To the extent a response is required, Wells Fargo denies the allegations.

37. Defendant Wells Fargo is without sufficient information to admit or deny the allegations contained in paragraph thirty-seven (37) of the Complaint and leaves Plaintiff to her proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

38. Defendant Wells Fargo is without sufficient information to admit or deny the allegations contained in paragraph thirty-eight (38) of the Complaint and leaves Plaintiff to her proof. To the extent a response is required, Defendant Wells Fargo denies the allegations.

39. The allegations contained in paragraph thirty-nine (39) of the Complaint are legal conclusions to which no response is necessary. To the extent a response is required, Wells Fargo denies the allegations.

40. **WHEREFORE**, Defendant respectfully requests that this Honorable Court:

- a) Deny the relief sought by Plaintiff in the Complaint in its entirety.
- b) Issue an Order that the debt owed by the Plaintiff to Defendant Wells Fargo is non-dischargeable.
- c) Order such other relief as is just and proper.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.
2. The Court lacks jurisdiction over the Plaintiff's individual claims.
3. Plaintiff's claims are barred in whole or in part by the doctrines of laches, estoppel, waiver and/or clean hands.
4. The claims asserted by Plaintiff are barred by the applicable statute of limitations.
5. Plaintiff fails to plead fraud with particularity.
6. Plaintiff is not entitled to the relief requested as a result of the failure to join necessary and indispensable parties.
7. Any injury or damage to Plaintiff is offset by amounts owed by Plaintiff to Defendant Wells Fargo.
8. The loans entered into between Plaintiff and Wells Fargo are not dischargeable pursuant to the applicable provisions of the Bankruptcy Code.
9. Defendant Wells Fargo hereby gives notice that it will rely upon such other and further defenses as may become apparent during the course of this action, including but not limited to the defenses as to parties who have not yet appeared.
10. Defendant Wells Fargo expressly reserves its right to amend this Answer to assert additional defenses or to make additional claims for further relief as discovery in this action shall warrant.

JURY TRIAL

Defendant Wells Fargo does not consent to a jury trial in this adversary proceeding.

WHEREFORE, Defendant respectfully requests that this Honorable Court:

- d) Deny the relief sought by Plaintiff in the Complaint in its entirety.
- e) Issue an Order that the debt owed by the Plaintiff to Defendant Wells Fargo is non-dischargeable.
- f) Order such other relief as is just and proper.

Defendant Wells Fargo consents to the entry of final orders or judgment by the Bankruptcy Court.

Respectfully submitted:

/s/ William E. Craig

William E. Craig, Esq.
Morton & Craig LLC
110 Marter Avenue
Suite 301
Moorestown, NJ 08057
(856) 866-0100

Attorney For Wells Fargo Bank, N.A.